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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/661,926

09/11/2003

Mazen Chmaytelli

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EXAMINER

HALIYUR, VENKATESH N

ART UNIT

PAPER NUMBER

2476

NOTIFICATION DATE

DELIVERY MODE

12/03/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/661,926	Applicant(s) CHMAYTELLI ET AL.	
	Examiner VENKATESH HALIYUR	Art Unit 2476	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 November 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-19,21-29,31-35.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Venkatesh Haliyur/
 Examiner, Art Unit 2476

/Salman Ahmed/
 Primary Examiner, Art Unit 2476

Continuation of 11. does NOT place the application in condition for allowance because: The amendments filed on 11/15/2010 overcomes the objections of claims 1,10,11,21 as made in the final office action of 09/15/2010 but the amendments raises new issues that would require further search as the amendments are very broad as the classified and/or unclassified incoming communication request and default responses are not defined in independent claims.

With respect to applicants arguments for claims 1-19, 21-29, 31-35 that Brown, Payne and Mizikovsky fail to teach the feature of a cellular telephone configured to classify incoming communications and Payne fail to disclose the limitation of "a processor configured to request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists and to allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication or when it is determined that the user did not respond to the request to classify, and upon an attempted unidentifiable incoming communication, requests the user to provide a classification for the unidentifiable incoming communication, however the examiner respectfully disagree as Brown disclosed the accepting an incoming call based on a call classification and unidentified classification in a telephone system comprising wired and wireless telephones and responses (para 0047,0124, 0133,0135, 0140, Figs 1,4). Payne disclosed the call classification features and responses for mobile phone systems (col 7, lines 32-56,col 9, lines 4-20, abstract) and Mizikovsky disclosed a method to classify (function category, item 108 of Fig 2) the attempted incoming communication connection using the identifying information (item 310 of Fig 3) when it is determined that the incoming communication can be classified (col 4, lines 22-64) or when it is determined that a default response exists (response categories set by the user, col 6, lines 44-67); request a user to classify the attempted incoming communication and determine whether the user responded to the request when it is determined that no default response exists (col 7, lines 50-62, Fig 1); classify the attempted incoming communication connection based upon a classification by the user when it is determined that the user classified the incoming communication (col 7, lines 63-67); perform the predetermined response to the attempted incoming communication connection based upon the classification when it is determined that there is a predetermined response (col 7, lines 32-38) and allow connection of the incoming communication when it is determined that there is not a predetermined response to the attempted incoming communication (col 8, lines 14-19, Fig 5, abstract). Therefore obviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (Please see the specification paragraphs [0014-0018] and sections pertaining to related art [0002-0006]) are not recited in the rejected independent claim(s). Therefore the examiner respectfully suggests applicants to define the classified and unclassified incoming communication and how the default responses are made that pertains to data call,phone call and SMS features.

IV.H/